



February 20, 2009

HOUSE BILL No. 1134

DIGEST OF HB 1134 (Updated February 19, 2009 11:16 am - DI 77)

Citations Affected: IC 13-11; IC 13-20.

Synopsis: Medical waste incineration near schools. Prohibits the incineration of infectious waste and medical waste within seven miles of a nonpublic or public school building. Establishes exceptions to the prohibition.

Effective: Upon passage.

Reske

January 12, 2009, read first time and referred to Committee on Public Health.
February 19, 2009, amended, reported — Do Pass.

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HB 1134—LS 6966/DI 69+



February 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1134

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 13-11-2-109.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 109.3. "Infectious waste", for**
4 **purposes of IC 13-20-8, has the meaning set forth in IC 16-41-16-4.**
5 SECTION 2. IC 13-11-2-128.2 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE UPON PASSAGE]: **Sec. 128.2. "Medical waste", for**
8 **purposes of IC 13-20-8, means solid waste generated in the:**
9 (1) **diagnosis, treatment, or immunization of human beings or**
10 **animals; or**
11 (2) **production or testing of drugs and vaccines.**
12 SECTION 3. IC 13-11-2-142.6, AS AMENDED BY P.L.1-2005,
13 SECTION 141, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]: **Sec. 142.6. "Nonpublic school", for**
15 **purposes of IC 13-20-8 and IC 13-20-17.5, has the meaning set forth**
16 **in IC 20-18-2-12.**
17 SECTION 4. IC 13-11-2-176.5, AS AMENDED BY P.L.1-2005,

HB 1134—LS 6966/DI 69+



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SECTION 142, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 176.5. "Public school", for
purposes of **IC 13-20-8 and IC 13-20-17.5**, has the meaning set forth
in IC 20-18-2-15.

SECTION 5. IC 13-20-8-10 IS ADDED TO THE INDIANA CODE
AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: **Sec. 10. (a) This section does not apply to the
following:**

(1) An incinerator that was in operation before May 14, 2009.

**(2) A facility that incinerates infectious waste or medical
waste on-site, if not more than twenty percent (20%) of the
incinerated waste:**

(A) comes from a source outside the facility; and

(B) is incinerated for compensation.

(3) An incinerator that incinerates not more than twenty-four

(24) tons of waste per year.

**(b) Infectious waste and medical waste may not be incinerated
within seven (7) miles of a:**

(1) nonpublic school building; or

(2) public school building.

**(c) The measurement that this section requires must be made
from the point on a school building that is nearest to the property
line of the real property that contains an incinerator.**

(d) The commissioner shall deny an application for:

(1) a new permit; or

(2) the renewal of an existing permit;

**for the construction, expansion, or operation of an incinerator if
the commissioner finds that the incinerator would not comply with
this section.**

SECTION 6. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1134, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 5 with "[EFFECTIVE UPON PASSAGE]".

Page 2, line 7, delete "medical waste" and insert **"the following:**

(1) An incinerator that was in operation before May 14, 2009.

(2) A facility that incinerates infectious waste or medical waste on-site, if not more than twenty percent (20%) of the incinerated waste:

(A) comes from a source outside the facility; and

(B) is incinerated for compensation.

(3) An incinerator that incinerates not more than twenty-four

(24) tons of waste per year."

Page 2, delete line 8.

Page 2, after line 21, begin a new paragraph and insert:

"SECTION 6. An emergency is declared for this act."

and when so amended that said bill do pass.

(Reference is to HB 1134 as introduced.)

BROWN C, Chair

Committee Vote: yeas 9, nays 0.

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